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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,538	09/19/2003	Bradley Berman	KING.005C1	5905
29159 7590 09/24/2007 BELL, BOYD & LLOYD LLP P.O. Box 1135 CHICAGO, IL 60690			EXAMINER HSU, RYAN	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 09/24/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

Office Action Summary

Application No.

10/666,538

Applicant(s)

BERMAN ET AL.

Examiner

Ryan Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26, 28-39 is/are rejected.
- 7) ☐ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/9/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

In response to the amendments filed on 7/9/07, claims 1-39 have been amended. Claims 1-39 are pending in the current application.

Allowable Subject Matter

Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record set forth does not fairly teach, suggest or disclose the teaching the limitation of "further comprising a bonus payout bar to present payout subtotals for each of the reels associated with the bonus mode of operation" when viewed in light of the limitations from the intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 35-36 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Barrie (US 5,833,537).

Regarding claims 1 and 35, Barrie discloses a method for facilitating a play of a slot game, comprising: a) presenting, in the play of the slot game, a display grid comprising a plurality of active display segments (*see col. 3: ln 10-35*); b) presenting symbols in each of the active display segments (*see col. 3: ln 15-35*); c) providing an award, if any, based on the

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symbols present in each of the active display segments (*see persistent symbol 124a, col. 55-67*); d) deactivating the active display segments that are associated with a discontinue symbol (*see col. 3: ln 60-col. 4: ln 22*); e) determining which active display segments, if any, have been deactivated; and f) repeating steps b) to e) in the same play of the slot game until a predetermined number of active display segments have been deactivated (*see col. 4: ln 22-col. 5: ln 65*).

Regarding claim 36 and 39, Barrie discloses a method wherein the deactivated reel segments are prevented from presenting another symbol in the same play of the game (*see col. 3: ln 60-67*). Additionally, the deactivated reels are prevented from presenting another symbol in the same play of the game (*see Fig. 2-3 and the related description thereof*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-26, and 28-34, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrie as applied to claims above, and further in view of Vancura (US 6,033,307).

Regarding claims 2-3, 20-24, and 34, Barrie teaches a game machine that presents a reel configuration comprising a plurality of active reel segments that are able to provide an award based on the symbols presented in each of the active reel segments and deactivates the active reel segments that are associated with the discontinue symbol. Additionally, Barrie teaches in

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determining which active reel segments have been deactivated or become “persistant” symbols and repeats the play of the slot game until a predetermined number of active reel segments or games have been played (*see col. 3: ln 35 – col. 4: ln 35*). Furthermore, Barrie presents a video screen to present, in the play of the game a display grid having a plurality of display cells and a user interface to facilitate player participation in at least the standard mode of operation. Barrie also teaches incorporating a processor programmed to (i) identify a predetermined symbol combination occurring on the display grid during the standard mode of operation to activate the bonus mode of operation, and during the bonus mode of operation in the same play of the game the processor (*see (ie: red ball symbol signifies a bonus round of multiplied payout, col. 3: ln 35-col. 4: ln 35)*) is programmed to: (ii) randomly present symbols which includes one or more active reels having corresponding reels strips, (iii) provide an award, if any, based on the symbols randomly presented via any of the active reels (*see col. 4: ln 22-col. 5: ln 25*), (iv) deactivate any of the active reels presenting a discontinue symbol (*see red ball ‘persistant symbol’, col. 3: ln 45-col. 4: ln 7*), v) determine which active reels have been deactivated (*see Figs. 2-3 and the related description thereof*) and vi) repeat the random presentation of symbols, the provision of an award, if any, the deactivation of the reels associated with the discontinue symbol and the determination of which reels have been deactivated until a predetermined number of reels have been deactivated (*see Fig. 3 and 5 and the related description thereof*). Additionally, Barrie discloses a method wherein repeatedly presenting symbols comprises automatically repeating presenting symbols and deactivating the active reel segments until all of the active reel segments have been deactivated (*see col. 3: ln 35-col. 4: ln 25*). Additionally, the repeated presenting symbols comprise of providing a user interface to allow a participant to

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initiate each repeated presentation of symbols until all of the active reel segments have been deactivated (*see col. 5: ln 25-65*). Furthermore, the repeated presentation of symbols and deactivating the active reel segments until a predetermined number of the active reel segments have been deactivated comprises deactivating the active reel segments until all of the active reel segments have been deactivated (*see col. 3: ln 11-col. 4: ln 10*). However, Barrie is silent with respect to a gaming apparatus that identifies a symbols via a physical reel configuration and does not specifically teach a standard mode and a bonus mode of operation. It is reasonable to assume that Barrie teaches a basic and bonus mode by incorporating the standard mode of a slot machine and the added feature of the 'red balls' and 'black balls' as the bonus mode since it offers a higher payout and alters the basic play of the game machine. However, Barrie is silent with respect to a physical reel configuration, which includes one or more active reels.

In a related gaming patent, Vancura teaches a physical reel configuration which includes one or more active reels (*see Fig. 1 and the related description thereof*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the mechanical reel features and elements with the video display grid of Barrie as these are well known equivalents in the gaming arts.

Furthermore, Vancura teaches a primary slot machine and a secondary slot machine wherein play of the secondary slot machine occurs when a bonus qualifying event occurs. Additionally, Vancura teaches a random spin of the bonus game event that comprises of value symbols and random spinning to determine an accumulation of winnings to be paid out to a user until a predetermined condition for bonus game occurs. The teachings of Vancura can be found as follows:

Regarding claims 2-3, Vancura discloses a game machine wherein presenting a mechanical reel configuration comprising a plurality of active reel segments comprises presenting the active reel segments (*see Fig. 5 and the related description thereof*). Vancura also teaches a bonus mode of play in response to presentation of a symbol combination during a standard mode of play that invokes the bonus mode of play and a bonus symbol set comprising the symbols presented in each of the active reel segments during the bonus mode of play is different than a standard symbol set comprising standard symbols presented in the reel configuration during the standard mode of play (*see col. 3: ln 12-47*). Furthermore, Vancura teaches of a secondary reel set that is different than the standard symbol set comprising standard symbols presented in the mechanical reel configuration of the standard mode of play (*see Fig. 1 and the related description thereof*).

Regarding claims 4-6, Vancura discloses a system where at least partially randomly selecting which symbol is to be presented in each of the active reel segments (*see col. 3: ln 12-59*). Additionally, Vancura teaches a game system where the symbol is presented comprises an associated reel strip having a predetermined symbol set to each of the active reel segments (*see Table VI and the related description thereof*). Furthermore, Vancura teaches a game system wherein associating a reel strip having a predetermined symbol set to each of the active reel segments comprises associating a different reel strip to each of the active reel segments ('*virtual reel*' *col. 7: ln 18-34*).

Regarding claims 7-8, Vancura discloses a system wherein at least partially randomly selecting which symbol is to be presented comprises associating a predetermined symbol set to a plurality of the active reel segments (*see col. 3: ln 12-50*).

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Regarding claims 9-10, Vancura discloses a method wherein at the active reel segments that are deactivated by being associated with a discontinue symbol are de-emphasized to be distinguished from the active reel segments (*see Fig. 6 and the related description thereof*).

Regarding claims 11-15, Vancura discloses a method wherein presenting symbols in each of the active reel segments comprises presenting continue symbols in one or more of the active reel segments, wherein the continue symbols direct its respective one of the active reel segments to remain active (*see Table VI and the related description thereof*). Additionally, the method comprises associated a credit award with one or more of the continue symbols and implementing a credit award with one or more of the continue symbols. Furthermore, the credit award may have a positive, negative or null effect on an accumulated credit total (*ie: win or lose credit award of wager lost or gained based on predetermined payout scheme*) (*see col. 6: ln 1-50, col. 10: ln 24-67*).

Regarding claims 16-19, Vancura discloses a method comprising associating a credit award with one or more of the discontinue symbols. Where the discontinue symbols may have an additive effect a negative effect or a null effect on an accumulated credit total (*ie: win or lose credit award of wager lost or gained based on predetermined payout scheme*) (*see col. 6: ln 1-50, col. 10: ln 24-67*).

With respect to the teachings above made by Vancura, one would have been motivated to incorporate these features if one were to incorporate the teachings of a mechanical reel implementation of a game that used stop and continue symbols in order to control the movements of active and inactive reel segments for a gaming machine. Therefore it would have

been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Vancura with that of Barrie.

Regarding claim 25, Barrie teaches a casino game wherein the processor comprises a random number generator configured to randomly select the symbols for presentation via the reels (*see 'random stop positions' of col. 3: ln 20-35*).

Regarding claim 26, Barrie teaches a user interface that comprises a user interface mechanism to allow the player to initiate each repetition of the random presentation of symbols (*see Fig. 1a and 2 and the related description thereof*).

Regarding claim 38, Barrie teaches a casino gaming apparatus wherein the processor is further programmed to automatically repeat the random presentation of symbols and deactivation of the reels associated with the discontinue symbols and deactivation of the reels associated with the discontinue symbols until all of the active display cells have been deactivated without player intervention (*see Fig. 2-5 and the related description thereof*).

Regarding claims 29-32, Barrie teaches a casino gaming apparatus wherein the casino gaming apparatus comprises a slot machine, a video poker machine, a video bingo machine, and a keno machine as the standard mode of operation of the gaming machine (*see col. 1: ln 10-67, col. 3: ln 1-10, col. 7: ln 10-61*).

Regarding claim 33, Barrie teaches a casino gaming apparatus wherein the processor is programmed to repeat the random presentation of symbols and deactivation of the reels associated with the discontinue symbols until all of the reels have been deactivated (*see col. 3: ln 10-col. 4: ln 41, col. 5: ln 25-col. 6: ln 50*).

Regarding claim 37-38, Barrie discloses a method wherein the deactivated reel segments are prevented from presenting another symbol in the same play of the game (*see col. 3: ln 60-67*). Additionally, the deactivated reels are prevented from presenting another symbol in the same play of the game (*see Fig. 2-3 and the related description thereof*).

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Glavich et al. (US 6,634,945 B2) - Gaming Device Having Independent Bonus Reels.

Thomas et al. (US 6,190,255 B1) – Bonsu Game for A Gaming Machine.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Hsu whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



RH

September 13, 2007



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